

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 373-2004

A By-law to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting outdoor exhibitions within the City of Vaughan.

NOW THEREFORE, the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 **TITLE**

This By-law shall be known as the “Outdoor Exhibition By-law”.

2.0 **DEFINITIONS**

“**Chief Fire Official**” means the Chief of the Fire Department for the City of Vaughan, or a person designated to act on his or her behalf;

“**Chief of Police**” means the Chief of the York Regional Police Department or a person designated to act on his or her behalf;

“**City**” means the Corporation of the City of Vaughan, in the Regional Municipality of York;

“**City Clerk**” means the Clerk of the City of Vaughan, as appointed under the authority of the *Municipal Act*, c. 25, 1990, as amended;

“**City Property**” means all real property, chattels, and other assets, tangible or intangible, owned and/or controlled by the City of Vaughan;

“**Fee for Admission**” means a charge in money or monies' worth for the right to attend an outdoor exhibition and includes a membership or entrance fee in a club, organization, establishment or association, which entitles the member to attend an outdoor exhibition;

“**Highway**” means a street or highway being a provincial highway or under the jurisdiction of the Regional Municipality of York, the City of Vaughan, or assumed by the City or being constructed under an agreement with the City;

“**Medical Officer of Health**” means the Medical Officer of Health for the Regional Municipality of York;

“**Municipality**” means The Corporation of the City of Vaughan;

“**Outdoor Exhibition**” means a concert, musical exhibition, folk festival, or other gathering:

- a) At which entertainment is provided to the persons who attend;
- b) Whether or not a fee for admission is charged or paid;
- c) The exhibition event takes place partially or wholly outdoors and not in or adjacent to an amphitheatre;
- d) The term "outdoor exhibition" includes a proposed exhibition where that meaning is required by the context in which the term is used;

“**Special Event**” means parades, sports events, sidewalk sales, festivals, carnivals, religious processions, fund raising activities, social events, filming and film production;

“**Street**” means that part of a highway that is improved, designed or ordinarily used for vehicular traffic;

PROVISIONS

- (1) No person shall hold an outdoor exhibition on any land or permit an outdoor exhibition to be held on any land unless:
 - a) At least 30 days prior to the proposed date of commencement of the outdoor exhibition a permit allowing the exhibition has been issued by the City Clerk pursuant to this By-law;
 - b) No greater number of persons in fact attend the outdoor exhibition at any time(s) than the maximum number of persons specified in the permit;
 - c) Every applicant for a permit under this By-law shall provide pay duty police officers or private security guards for the outdoor exhibition or event, and the number of such officers or security guards shall be determined by the Chief of Police.
- (2) A written application for a permit to hold or conduct an outdoor exhibition pursuant to this By-law shall be made to the City Clerk at least sixty (60) days prior to the proposed date of commencement of the outdoor exhibition.
- (3) The application shall be signed by each and every person who proposes to conduct the outdoor exhibition in question. The application shall also be signed by each and every owner of the fee simple and leasehold interests in the land on which the outdoor exhibition is proposed if such owner is different from the person(s) who propose to conduct such exhibition.
- (4) Every applicant for a permit under this By-law shall submit to the City Clerk in support of the application, each of the following:
 - a) A description of the outdoor exhibition, and a description of the land on which the outdoor exhibition is to be held, which land shall include any areas for motor vehicle parking, camping, the sale or consumption of food and refreshments, which are available to persons who attend the exhibition in question;
 - b) A statement by the applicant under oath of the maximum number of persons who will be permitted by the applicant to attend the outdoor exhibition at a specified time or times together with a description of the means by which attendance will be limited to such maximum number of persons;
 - c) The proposed period(s) of time during which the outdoor exhibition will be held which shall include any additional period(s)

during which persons who attend or who have attended the exhibition in question will be permitted to enter or to remain on the land on which the outdoor exhibition is held before the exhibition has commenced and after it has concluded;

- d) A letter signed by the Chief of Police certifying that in his opinion adequate police protection will be available during the period(s) referred to in Section 3.0 (4) c) for the outdoor exhibition. Such letter shall include the amount required for any security deposit that the Chief of Police requires the applicant to make from which the Police Service may be indemnified in respect of damage to or loss of Police Service equipment or vehicles while on the land referred to in Section 3.0 (4) (a) during the period(s) referred to in Section 3.0 (4) (c);
- e) A certified cheque payable to the Regional Municipality of York in an amount equal to the estimated cost of adequate police protection including the security deposit referred to in Section 3.0 (4) (d);
- f) A letter signed by the Chief Fire Official certifying that he has approved a Fire Safety Plan under the Ontario Fire Code, as amended from time to time, if such is required in respect of the outdoor exhibition on any land referred to in Section 3.0 (4) (a);
- g) A letter signed by the Chief Fire Official setting out his estimate of the additional cost, if any, to the municipality of providing adequate fire protection in connection with the outdoor exhibition and the amount of money that in his opinion should be deposited by the applicant with the City from which the City may appropriate monies to indemnify the City in respect of damage to or loss of any City owned fire equipment or vehicles(s) while on the land referred to in Section 3.0 (4) (a) during any of the period(s) referred to in Section 3.0 (4) (c);
- h) A certified cheque payable to the municipality in an amount equal to the estimated cost of providing adequate fire protection and the security deposit set out in the Chief Fire Official's letters referred to in Sections 3.0 (4) (f) and 3.0 (4) (g);
- i) A certified cheque payable to the municipality in the amount that in the opinion of the Director of Public Works of the municipality will be sufficient to reimburse the owners of lands located within one hundred fifty (150) metres of the land referred to in Section

3.0 (4) (a) on which the proposed outdoor exhibition will be conducted including the municipality as the owner of public highways, for damage which is caused by or results from unauthorized entry on or use of any of such properties by persons who attend or who are employed by the applicant or by his contractor in connection with the outdoor exhibition at any time(s) during the period(s) referred to in Section 3.0 (4) (c), provided that the aforesaid amount shall not exceed thirty thousand dollars (\$30,000.00) with respect to the exhibition held for hire or gain in question;

- j) A letter signed by the Medical Officer of Health certifying that he is of the opinion that all public health and sanitation requirements in connection with the outdoor exhibition are likely to be satisfied;
- k) A certified copy of a comprehensive general liability policy of insurance issued by an insurer licensed to do business in Ontario which provides for limits of protection of at least ten million dollars (\$10,000,000.00) in respect of the exhibition referred to in Section 3.0 (4) (a) during the period(s) referred to in Section 3.0 (4) (c) which provides coverage, including bodily injury, property damage, and non-owned auto insurance, which names the municipality as an insured party and which provides a coverage period at least equal to the period(s) referred to in Section 3.0 (4) (c) plus one (1) day before the commencement and one (1) day after the conclusion of the outdoor exhibition in question;
- l) An agreement executed by the applicant by which the applicant agrees to save the City harmless from and indemnify it in respect of all costs, charges, expenses and liability that it may incur as a result of issuing a permit to the applicant for the outdoor exhibition or that may arise out of or result from the holding or conducting of the exhibition in question;
- m) An application fee of three hundred dollars (\$300.00);
- n) Notwithstanding Section 3.0 (4) (m), if the applicant is a charitable organization the application fee shall be waived.

- (5) At any time prior to the completion of the outdoor exhibition which is allowed by a permit issued under this By-law, the permit may be revoked by the City Clerk by written notice served on the applicant or delivered to the applicant's address as set out in the application for the permit:

- a) If the City Clerk is satisfied that incorrect or false information has been submitted to the Clerk's Department in support of the application for the permit, or;
 - b) If the Medical Officer of Health advises the City Clerk that he is no longer of the opinion that all public health and sanitation requirements in connection with the outdoor exhibition are likely to be satisfied.
- (6) Notwithstanding Section 3.0 (4) no outdoor exhibition will be held or conducted past the hour of 12:00 a.m.
- (7) Notwithstanding any other provision of this By-law, no permit shall be issued under this By-law if the outdoor exhibition is not permitted by the City's Zoning By-law 1-88, as amended from time to time.
- (8) The requirement for a permit under this By-law shall not apply to:
 - a) Any outdoor exhibition if the number of persons who attend such exhibition is fewer than 100;
 - b) Any outdoor exhibition on an allowance for public highway owned by the City;
 - c) Any exhibition on or in a park or recreational facility owned and/operated by the City;
 - d) An exhibition held by any Community Service Organization (C.S.O.) or any Social Service Organization (S.S.O.) so designated or recognized by the City under City policies pertaining to these classes of organizations.

4.0

OFFENCES AND PENALTIES

- (1) Every person who contravenes any provisions of this By-law and every director or officer of a corporation who concurs in such contravention by a corporation, is guilty of an offence and, upon conviction, is liable to a fine not exceeding twenty-five thousand dollars (\$25,000.00), or to imprisonment for a term not exceeding one (1) year, or to both;
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is fifty thousand dollars (\$50,000.00), and not as provided in Section 4.0 (1);

5.0 **PERMIT FEE**

Application Fee - three hundred dollars (\$300.00).

6.0 **TERM**

This By-law shall come into effect on the 1st day of January, 2005 and shall remain in effect until it is repealed.

READ a FIRST, SECOND and THIRD time and finally passed this 6th day of December, 2004.

Michael Di Biase, Mayor

J. D. Leach, City Clerk